

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1322

AN ACT

AMENDING SECTIONS 20-456 AND 20-468, ARIZONA REVISED STATUTES; REPEALING SECTION 20-469, ARIZONA REVISED STATUTES; RELATING TO MOTOR VEHICLE REPAIR FACILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 20-456, Arizona Revised Statutes, is amended to
3 read:

4 20-456. Cease and desist order for defined or prohibited
5 practices: civil penalty

6 A. If after a hearing the director finds that the person charged has
7 engaged or is engaging in any act or practice defined in or prohibited under
8 this article as an illegal or unfair method of competition or an unfair or
9 deceptive act or practice, the director shall order the person to cease and
10 desist from the proscribed acts or practices.

11 B. If the act or practice is a violation of section 20-443, 20-443.01,
12 20-444, 20-445, 20-446, 20-447, 20-448, 20-448.01, 20-448.02, 20-449, 20-451,
13 20-452 or 20-467 or a general business practice of committing or performing
14 acts or omissions proscribed by sections 20-461 and 20-468 ~~and 20-469~~, the
15 director may also impose a civil penalty of not more than one thousand
16 dollars for each act or violation but not to exceed an aggregate penalty of
17 ten thousand dollars unless the person intentionally violates any section
18 enumerated in this subsection, in which case the director may impose a civil
19 penalty of up to five thousand dollars for each act or violation but not to
20 exceed an aggregate penalty of fifty thousand dollars in any six month
21 period.

22 C. No order of the director pursuant to this section or order of a
23 court to enforce it, or holding of a hearing, may in any manner relieve or
24 absolve any person affected by the order or hearing from any other liability,
25 penalty or forfeiture under law.

26 Sec. 2. Section 20-468, Arizona Revised Statutes, is amended to read:
27 20-468. Motor vehicle loss: policyholder choice of repair
28 facility

29 A. For repair facilities ~~other than glass repair facilities~~ and
30 subject to the rights of an insurer to receive notice of loss or claim
31 consistent with the provisions of its policy, a person in this state has the
32 right to choose any repair facility for the repair of a motor vehicle
33 loss. If an insurer provides information about a repair facility, the
34 insurer shall inform the person of this right at the same time as making the
35 recommendation or providing the information. This section does not create a
36 private right or cause of action to or on behalf of any person.

37 B. If an insured or claimant selects a repair facility to repair the
38 insured's or claimant's motor vehicle in which the insurer owns an interest
39 in that repair facility, the adjuster for the motor vehicle shall not be
40 employed by the repair facility or have any direct authority over that
41 facility's recommendations or decisions relating to the repair of the
42 insured's or claimant's motor vehicle.

43 Sec. 3. Repeal

44 Section 20-469, Arizona Revised Statutes, is repealed.